

REMARKS

Reconsideration of the rejections set forth in the Office Action dated March 4, 2009, is respectfully requested. In the Office Action, the Examiner rejected claims 1-11. Applicant has canceled claims 1-11 and added new claims 12-31. Accordingly, claims 12-31 are pending in the application, and no new matter has been added as can be confirmed by the Examiner.

A. Paragraph [0104] Has Been Amended To Correct A Minor Typographical Error Only.

In the Office Action, the Examiner objected to Paragraph [0104] for allegedly informalities. Applicants appreciate the Examiner's careful examination of Applicants' application. Appropriate amendment has been made to Paragraph [0104] to correct the inadvertent typographical error. Accordingly, Applicants respectfully submit that the amendment has been made without adding new matter and that the objection to the specification is moot and should be withdrawn.

B. The Written Specification Has Been Amended To Improve Readability.

Other minor amendments likewise have been made throughout the written specification. These amendments are principally of a grammatical nature and are believed to even further improve the readability of the written specification. No new matter has been added by these amendments. Accordingly, entry of these minor amendments is respectfully requested.

C. The Rejection of Independent Claim 4 Is Moot.

The Examiner likewise rejected independent claim 4 under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. More particularly, the Examiner asserts that the phrase "said database system" as set forth in claim 4 lacks proper antecedent basis. Since Applicants have canceled claim 4 herein, it is submitted that the indefinitely rejection of claim 4 is moot and should be withdrawn.

- D. The Cited Prior Art Does Not Disclose Nor Suggest A Content Source That Includes First And Second Content Libraries Associated With Respective Passenger Seat Groups And First And Second Portable (Or Handheld) Media Devices That Are Associated With The Respective Passenger Seat Groups And That Select And Receive Viewing Content Available From A Relevant Content Library Via A Headend System, Wherein The First Content Library Is Different From The Second Content Library And Is Not Available To The Second Portable Media Device, As Set Forth In New Claims 12-24 And 27-31.

In the Office Action, the Examiner rejected claims 1-7, 9, and 10 under 35 U.S.C. § 102(b) as allegedly being anticipated by Galipeau et al., United States Patent No. 6,249,913, and claims 8 and 11 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau et al. in view of Lipsanen et al., United States Patent Publication No. 2002/0059614. Applicants respectfully submit, however that, by failing to disclose each and every element of new independent claims 12, 25, 27, 28, and 31, Galipeau et al. and Lipsanen et al., either individually or in combination, do not anticipate or render obvious independent claims 12, 25, 27, 28, and 31. Accordingly, it is submitted that new independent claims 12, 25, 27, 28, and 31, as well as new claims 13-24, 26, 29, and 30 that dependent therefrom, are in condition for allowance.

1. Galipeau et al.

Galipeau et al. teaches an aircraft data management system with a plurality of integrated seat boxes 18 each being proximate to a set of passenger seats 12, 14 in an aircraft. (See Galipeau et al. at Fig. 1; col. 3:52-55; col. 4:1-4.) Each integrated seat box 18 is disclosed as including function modules, which are replaceable and can be varied depending upon system requirements. (See id. at Figs. 5, 6b; col. 5:57-61; col. 6:14-18.) An audio module 120, for example, receives multiple audio tracks and interfaces with a passenger operated digital passenger control unit (DPCU) 124, enabling a passenger to select audio programming for presentation via stereo (or monaural) headset plugs 130. (See id. at Fig. 6b; col. 7:34-59.) Similarly, a video module 152 interfaces with a video display panel 154 with video selections made via the digital passenger control unit 124. (See id. at Fig. 6b; col. 9:17-32.) Galipeau et al. discloses that the passenger-operated digital passenger control unit 124, the headset plugs 130,

and the video display panel 154 each are permanently "mounted" in the aircraft. (See id. at col. 7:55-64; col. 9:17-22.)

The integrated seat box 18 likewise is disclosed as including a data network interface module 114 for supporting bidirectional data communication between a headend controller of the aircraft data management system and a passenger's personal computer. (See id. at Fig. 6b; col. 6:64 – col. 7:3; col. 7:19-27.) The data network interface module 114 and the passenger's personal computer are disclosed as communicating via a hardwired RS-232 or Universal Serial Bus (USB) communication connection. (See id. at col. 14-18.) According to Galipeau et al., video output may be displayed on a computer monitor of the passenger's personal computer or the video display panel 154 permanently mounted in the aircraft. (See id. at col. 9:21-25.) Further, an onboard internet mass storage unit 190 is pre-loaded with Internet content that can be accessed by all passengers during flight. (See id. at Fig. 9a, col. 10:47-55.) The Internet content alternatively can be provided via a ground server 232. (See id. at Fig. 12, col. 12:25-36, 65-67.)

In contrast to the onboard internet mass storage unit 190 with pre-loaded with Internet content that can be accessed by all passengers during flight, new independent claims 12, 28, and 31 each recite a headend system for communicating with a content source including a first content library associated with a first passenger seat group within the passenger vehicle and a second content library associated with a second passenger seat group within the passenger vehicle. Similarly, independent claim 27 recites a headend system for communicating with a first content source including a first content library associated with a first passenger seat group within the passenger vehicle and a second content source including a second content library associated with a second passenger seat group within the passenger vehicle. By disclosing that all passengers have access to identical Internet content, Galipeau et al. does not teach nor even suggest that the Internet content stored by the onboard internet mass storage unit 190 is separated into content libraries based upon passenger seat group as set forth in new independent claims 12, 27, 28, and 31.

Additionally, unlike the aircraft data management system with permanently-mounted passenger control units, headset plugs, and video display panels, new independent claims 12, 27, 28, and 31 each recite first and second portable (or handheld) media devices respectively associated with the first and second passenger seat groups. The first portable media device as set forth in claims 12, 27, 28, and 31, is adapted for selecting and receiving first viewing content available from the first content library via the headend system and for presenting the selected first viewing content; whereas, the second portable media device is adapted for selecting and receiving second viewing content available from the second content library via the headend system and for presenting the selected second viewing content. The claimed portable (or handheld) media devices thereby select and present viewing content from relevant content libraries of the content source(s) without permanently-mounted passenger control units 124, headset plugs 130, and video display panel 154 as required by Galipeau et al.

Independent claims 12, 27, 28, and 31 each further recite that the first content library is different from the second content library and is not available to the second portable media device. In the manner set forth above, Galipeau et al. discloses that all passengers have access to identical Internet content and thereby does not teach nor even suggest that the Internet content stored by the onboard internet mass storage unit 190 is separated into content libraries based upon passenger seat group as set forth in new independent claims 12, 27, 28, and 31. Galipeau et al. therefore cannot be said to teach a first content library that is different from a second content library and that is not available to a second portable media device for presenting selected second viewing content from the second content library as set forth in claims 12, 27, 28, and 31.

At least one recited element of independent claims 12, 25, 27, 28, and 31 therefore is totally missing from Galipeau et al. In accordance with M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). The disclosure

of a claim element in a prior art reference, when relied upon to negate patentability, must also be clear and unambiguous. Further, “[t]he identical invention must be shown in as complete detail as contained in the...claim.” *Richardson v. Suzuki Motor Corp.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, and uniquely important in this case is the requirement that the elements relied on in the prior art reference must be arranged as required by the claim. See *In re Bonds*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Accordingly, by failing to disclose each and every element of independent claims 12, 27, 28, and 31, Galipeau et al. does not bear upon the patentability of independent claims 12, 27, 28, and 31. Applicants therefore respectfully submit that claims 12-24, 28-31 are in condition for allowance.

2. Lipsanen et al.

Recognizing the shortcomings of Galipeau et al., the Examiner relies of the teachings of Lipsanen et al. to supplement the disclosure of Galipeau et al. The Examiner, more particularly, relies on Lipsanen et al. for teaching wireless distribution systems.

Lipsanen et al. teaches a system and method for distributing digital media in a common carrier environment, such as an airplane. (See Lipsanen et al. at Abstract; Fig. 5; Paras. [0001], [0016]-[0019], [0054].) The disclosed system and method can include a passenger-carried mobile multimedia terminal (MMT) 500 for receiving digital data broadcast technology (DVB-T) broadcasts of digital media from a server 600. (See *id.* at Fig. 5; Paras. [0054], [0055].) All of the digital media on the server 600 can be selected by the MMT 500 for presentation. (See *id.* at Fig. 5; Paras. [0055], [0056].) The digital media is disclosed as being streamed separately to each passenger traveling aboard the airplane. (See *id.* at Para. [0070].) Lipsanen et al. disclose that multiple MMTs 500 can be served by, and receive the same digital media from, the same DVB-T transmitter 612c. (See *id.* at Fig. 9; Para. [0077].)

Unlike the server 600 of Lipsanen et al. that permits the MMT 500 to select among all of the digital media on the server 600, independent claims 12, 28, and 31 each recite a headend system for communicating with a content source including a first content library associated with

a first passenger seat group within the passenger vehicle and a second content library associated with a second passenger seat group within the passenger vehicle; whereas, independent claim 27 recites a headend system for communicating with a first content source including a first content library associated with a first passenger seat group within the passenger vehicle and a second content source including a second content library associated with a second passenger seat group within the passenger vehicle. By disclosing that the MMT 500 can select from among all of the digital media on the server 600, Lipsanen et al. does not teach nor even suggest that the digital media on the server 600 is separated into content libraries based upon passenger seat group as set forth in new independent claims 12, 27, 28, and 31.

New independent claims 12, 27, 28, and 31 each likewise recite a portable media device for selecting and receiving first viewing content available from the first content library via the headend system and for presenting the selected first viewing content and a second portable media device for selecting and receiving second viewing content available from the second content library via the headend system and for presenting the selected second viewing content. In contrast to the MMT 500 of Lipsanen et al. that selects from among all of the digital media on the server 600, the claimed portable (or handheld) media devices thereby select and present viewing content only from relevant content libraries of the content source(s).

Furthermore, independent claims 12, 27, 28, and 31 each recite that the first content library is different from the second content library and is not available to the second portable media device. In the manner set forth above, Lipsanen et al. discloses that the MMT 500 selects from among all of the digital media on the server 600 and thereby does not teach nor even suggest that the digital media stored by the server 600 is separated into content libraries based upon passenger seat group as set forth in new independent claims 12, 27, 28, and 31.

Lipsanen et al. therefore cannot be said to teach a first content library that is different from a second content library and that is not available to a second portable media device for presenting selected second viewing content from the second content library as set forth in claims 12, 27, 28, and 31.

Accordingly, at least one recited element of independent claims 12, 27, 28, and 31 therefore is totally missing from Lipsanen et al. By failing to disclose each and every element of independent claims 12, 27, 28, and 31, Lipsanen et al. does not bear upon the patentability of independent claims 12, 27, 28, and 31. Applicants therefore respectfully submit that claims 12-24, 27-31 are in condition for allowance.

- E. The Cited Prior Art Does Not Disclose Nor Suggest A Portable Media Device For Selecting And Receiving Preselected Viewing Content Available From A Relevant Content Library Of A Content Source Via A Headend System, Wherein The Portable Media Device And The Relevant Content Library Are Associated With A Selected Passenger Seat Group, And Wherein The Content Source Includes A Second Content Library That Is Different From The Relevant Content Library, That Is Associated With A Second Passenger Seat Group, And That Is Not Available To The Portable Media Device, As Set Forth In New Claims 25 And 26.

In the manner set forth in more detail above in Section D.1, the aircraft data management system taught by Galipeau et al. includes an onboard internet mass storage unit 190 with pre-loaded with Internet content that can be accessed by all passengers during flight via permanently-mounted passenger control units, headset plugs, and video display panels. New independent claim 25, in contrast, recites a portable media device for selecting and receiving preselected viewing content available from a relevant content library of a content source via a headend system and for presenting the preselected first viewing content. Unlike the permanently-mounted passenger control units, headset plugs, and video display panels of Galipeau et al., the claimed portable media device includes a handheld case and is adapted to select and present viewing content from relevant content libraries of a content source.

Independent claim 25 also recites that the portable media device and the relevant content library are associated with a selected passenger group. By disclosing that all passengers have access to identical Internet content, Galipeau et al. does not teach nor even suggest that the Internet content stored by the onboard internet mass storage unit 190 is separated into content libraries based upon passenger seat group as set forth in independent claim 25.

The content source of independent claim 25 further is set forth as including a second content library that is different from the relevant content library, that is associated with a second

passenger seat group, and that is not available to said portable media device. In the manner set forth above, Galipeau et al. discloses that all passengers have access to identical Internet content and thereby does not teach nor even suggest that the Internet content stored by the onboard internet mass storage unit 190 is separated into content libraries based upon passenger seat group as set forth in new independent claim 25. Galipeau et al. therefore fails to teach a relevant content library that is different from the relevant content library, that is associated with a second passenger seat group, and that is not available to said portable media device as set forth in claim 25.

Turning to Lipsanen et al., the MMT 500 is disclosed as being configured to select from among all of the digital media on the server 600 in the manner set forth in more detail above in Section D.2. New independent claim 25 however recites a portable media device for selecting and receiving preselected viewing content available from a relevant content library of a content source via a headend system and for presenting the preselected first viewing content. In contrast to the MMT 500 of Lipsanen et al., the claimed portable media devices selects and presents viewing content only from the relevant content library of the content source.

Unlike the server 600 of Lipsanen et al. that permits the MMT 500 to select among all of the digital media on the server 600, independent claim 25 sets forth that the portable media device and the relevant content library are associated with a selected passenger seat group. By disclosing that the MMT 500 can select from among all of the digital media on the server 600, Lipsanen et al. does not teach nor even suggest that the digital media on the server 600 is separated into content libraries based upon passenger seat group as set forth in new independent claim 25.

Furthermore, independent claim 25 sets forth that the content source includes a second content library that is different from the relevant content library, that is associated with a second passenger seat group, and that is not available to the portable media device. In the manner set forth above, Lipsanen et al. discloses that the MMT 500 selects from among all of the digital media on the server 600 and thereby does not teach nor even suggest that the digital media stored

by the server 600 is separated into content libraries based upon passenger seat group as set forth in new independent claim 25. Lipsanen et al. therefore cannot be said to teach a second content library that is different from the relevant content library, that is associated with a second passenger seat group, and that is not available to the portable media device as set forth in independent claim 25.

Accordingly, it is submitted that at least one recited element of independent claim 25 is totally missing from Galipeau et al. and Lipsanen et al. By failing to disclose each and every element of independent claim 25, neither Galipeau et al. nor Lipsanen et al. bear upon the patentability of independent claim 25. Applicants therefore submit that claims 25 and 26 are in condition for allowance.

F. Conclusion.

For at least the reasons set forth above, Applicants submit that claims 12-31 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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